

CASE NO. 18-73097

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DELTA SANDBLASTING COMPANY,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent,

and

INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES,
DISTRICT COUNSEL 16,

Proposed Intervenor.

ON APPEAL FROM NATIONAL LABOR RELATIONS BOARD
CASE NO. 367 NLRB. NO. 17, 20-CA-176434 AND 32-CA-180490

**MOTION TO INTERVENE OF INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES, DISTRICT COUNCIL 16**

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INTERNATIONAL UNION OF PAINTS AND ALLIED TRADES, DISTRICT COUNCIL 16, the Proposed Intervenor in this matter, hereby moves this Court for an Order permitting it to intervene in support of Respondent in the proceeding in *Delta Sandblasting Company, Inc. v. National Labor Relations Board*.

Intervention is sought under Federal Rule of Appellate Procedure 15.

Normally, charging parties such as INTERNATIONAL UNION OF PAINTS AND ALLIED TRADES, DISTRICT COUNCIL 16 are permitted intervention in these proceedings seeking review of an Order of the National Labor Relations Board. See *International Union, UAW, Local 283 v. Scofield* (1965) 382 U.S. 205, 208. Indeed, *Scofield* holds that charging parties such as INTERNATIONAL UNION OF PAINTS AND ALLIED TRADES, DISTRICT COUNCIL 16 are normally entitled to intervention in the Circuit Court.

Dated: November 21, 2018

Respectfully Submitted,

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ David A. Rosenfeld
David A. Rosenfeld
Caroline N. Cohen

Attorneys for Proposed Intervenor
INTERNATIONAL UNION OF
PAINTERS AND ALLIED TRADES,
DISTRICT COUNCIL 16

PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction this service was made. I am over the age of eighteen years and not a party to the within action.

On November 21, 2018, I served the following documents in the manner described below:

MOTION TO INTERVENE OF INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, DISTRICT COUNCIL 16

- ☒ (BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from kkempler@unioncounsel.net to the email addresses set forth below.

On the following part(ies) in this action:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 21, 2018, at Alameda, California.

/s/ Karen Kempler
Karen Kempler

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